

House Amendment 2118

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1 1 Amend the amendment, H=2048, to Senate File 601, as
1 2 amended, passed, and reprinted by the Senate, as
1 3 follows:
1 4 #1. By striking page 1, line 1, through page 7,
1 5 line 6, and inserting the following:
1 6 <Amend Senate File 601, as amended, passed, and
1 7 reprinted by the Senate, as follows:
1 8 #_____. Page 55, by striking lines 23 through 30.
1 9 #_____. Page 56, by striking lines 13 through 19.
1 10 #_____. By striking page 56, line 26, through page
1 11 57, line 6.
1 12 #_____. Page 59, by inserting after line 10 the
1 13 following:
1 14 <DIVISION _____
1 15 REGULATION OF ESTRAY AND GAME SWINE
1 16 Sec. _____. Section 163.2, Code 2007, is amended by
1 17 adding the following new subsections:
1 18 NEW SUBSECTION. 2A. "Custody or control" means to
1 19 keep an animal in an enclosed or confined location, in
1 20 a manner that prevents the release or escape of the
1 21 animal from the location including but not limited to
1 22 keeping the animal for breeding, growing, movement, or
1 23 harvesting.
1 24 NEW SUBSECTION. 3A. "Estray" means not to be in
1 25 the custody or control of a person.
1 26 NEW SUBSECTION. 3B. "Game swine" means the same
1 27 as defined in section 171.1.
1 28 Sec. _____. Section 163.30, subsection 5, unnumbered
1 29 paragraph 1, Code 2007, is amended to read as follows:
1 30 All swine moved shall be accompanied by a
1 31 certificate of veterinary inspection issued by the
1 32 state of origin and prepared and signed by a
1 33 veterinarian. The certificate shall show the point of
1 34 origin, the point of destination, individual
1 35 identification, immunization status, and, when
1 36 required, any movement permit number assigned to the
1 37 shipment by the department. The certificate of
1 38 veterinary inspection shall state whether the swine
1 39 are game swine, and shall provide any registration
1 40 information as required by section 171.4. All ~~such~~
1 41 movement of swine shall be completed within
1 42 seventy-two hours unless an extension of time for
1 43 movement is granted by the department.
1 44 Sec. _____. NEW SECTION. 163.32 ESTRAY SWINE.
1 45 1. Estray swine are declared to be a public
1 46 nuisance and are subject to a policy of eradication as
1 47 administered by the department which is the principal
1 48 enforcement agency charged with carrying out the
1 49 policy.
1 50 a. The department of natural resources shall
2 1 cooperate with the department of agriculture and land
2 2 stewardship in carrying out the policy. The
2 3 departments shall periodically consult about how to
2 4 most effectively contribute resources and their
2 5 respective expertise, and divide jurisdictional
2 6 responsibility, including the assignment of
2 7 investigative personnel where appropriate. However,
2 8 the department of natural resources shall regulate
2 9 hunting preserves under chapter 484B, and the
2 10 regulation of persons taking animals under Title XI,
2 11 subtitle 6.
2 12 b. The department of agriculture and land
2 13 stewardship shall cooperate with the animal and plant
2 14 health inspection service of the United States
2 15 department of agriculture, and may enter into
2 16 cooperative agreements with the animal and plant
2 17 health inspection service in order to carry out the
2 18 eradication policy.
2 19 2. A person who captures swine which is estray in
2 20 another state shall not move that swine into this
2 21 state.
2 22 Sec. _____. NEW SECTION. 163.61A PENALTY AND
2 23 DISCIPLINARY ACTION FOR TAKING ESTRAY SWINE.
2 24 1. A person who violates section 163.32 is guilty

2 25 of an aggravated misdemeanor. A person is guilty of a
2 26 separate offense for each swine which is the subject
2 27 of the violation.

2 28 2. Upon a person's conviction for violating
2 29 section 163.32, the sentencing court may, as part of
2 30 the judgment, revoke or suspend a license issued
2 31 pursuant to chapter 481A or 483A for a definite period
2 32 of time.

2 33 Sec. _____. NEW SECTION. 171.1 DEFINITIONS.

2 34 As used in this chapter, unless the context
2 35 otherwise requires:

2 36 1. "Custody or control" means the same as defined
2 37 in section 163.2.

2 38 2. "Department" means the department of
2 39 agriculture and land stewardship.

2 40 3. "Game swine" means the same as defined in
2 41 section 484B.1.

2 42 4. "Swine" means an animal belonging to the order
2 43 artiodactyla, and classified as part of the family
2 44 suidae.

2 45 Sec. _____. NEW SECTION. 171.2 RULES.

2 46 The department may adopt rules pursuant to chapter
2 47 17A as necessary to administer this chapter.

2 48 Sec. _____. NEW SECTION. 171.3 IDENTIFICATION.

2 49 A person who has custody or control of game swine
2 50 shall identify the game swine as required by the
3 1 department. Game swine shall at least be identified
3 2 with a numbered metal ear tag affixed to the game
3 3 swine or other method such as installing an electronic
3 4 device onto or beneath the hide of the game swine as
3 5 prescribed by the department. The game swine must be
3 6 identified within ten days following the person's
3 7 acquisition of the game swine, including acquisition
3 8 by transfer or birth.

3 9 Sec. _____. NEW SECTION. 171.4 GAME SWINE
3 10 REGISTRATION SYSTEM.

3 11 The department of agriculture and land stewardship
3 12 shall establish a game swine registration system, in
3 13 cooperation with the department of natural resources.

3 14 1. A person who has custody or control of a game
3 15 swine shall register the game swine within ten days
3 16 following the person's acquisition of the game swine,
3 17 including acquisition by transfer or birth.

3 18 2. The person required to register game swine as
3 19 provided in this section shall provide information
3 20 required by the department which shall at least
3 21 include all of the following:

3 22 a. The number, age, and description of the game
3 23 swine, including its identification number as provided
3 24 in section 171.3.

3 25 b. The location where the person maintains custody
3 26 or control of the game swine.

3 27 c. The purpose of the person in maintaining
3 28 custody or control of the game swine.

3 29 d. Whether the person has been issued a hunting
3 30 preserve operator's license as required in chapter
3 31 484B.

3 32 3. The department shall to every extent feasible
3 33 provide for registration using the internet, including
3 34 programming, necessary to ensure the convenience,
3 35 completeness, and accuracy of the registrations.

3 36 Sec. _____. NEW SECTION. 171.5 GAME SWINE
3 37 REGISTRATION FEE.

3 38 A person required to register game swine as
3 39 provided in section 171.4 shall remit a registration
3 40 fee to the department. The amount of the registration
3 41 fee shall not exceed five dollars per head of swine.
3 42 The moneys collected by the department under this
3 43 section shall be retained as repayment receipts by the
3 44 department exclusively to offset the costs of
3 45 providing for registrations pursuant to section 171.4.

3 46 Sec. _____. NEW SECTION. 171.6 HEALTH
3 47 REQUIREMENTS.

3 48 Game swine shall be free of an infectious or
3 49 contagious disease as defined in section 163.2. The
3 50 department shall regulate game swine as any other
4 1 swine for purposes of preventing, suppressing, and
4 2 eradicating an infectious or contagious disease
4 3 afflicting swine within the state.

4 4 Sec. _____. NEW SECTION. 171.7 PENALTY.

4 5 A person who violates section 171.3 or 171.4 is

4 6 subject to a civil penalty of not more than one
4 7 hundred dollars. Penalty moneys shall be deposited
4 8 into the general fund of the state.

4 9 Sec. _____. Section 484B.1, Code 2007, is amended by
4 10 adding the following new subsections:

4 11 NEW SUBSECTION. 3A. "Estray" means not to be in
4 12 the custody or control of a person.

4 13 NEW SUBSECTION. 4A. "Game swine" means swine that
4 14 are classified as part of the species sus scrofa
4 15 linnaeus which may be commonly known as Russian boar
4 16 or European boar, as well as Eurasian wild boar or
4 17 Eurasian-domestic stock hybrids, of either sex.

4 18 Sec. _____. Section 484B.1, subsection 6, Code 2007,
4 19 is amended to read as follows:

4 20 6. "Livestock" means ~~the same livestock~~ as defined
4 21 in section 717.1 other than game swine.

4 22 Sec. _____. Section 484B.3, Code 2007, is amended by
4 23 adding the following new subsection:

4 24 NEW SUBSECTION. 3. The department shall regulate
4 25 game swine in cooperation with the department of
4 26 agriculture and land stewardship as provided in
4 27 chapter 171.

4 28 Sec. _____. Section 484B.4, subsection 2, Code 2007,
4 29 is amended by adding the following new paragraph:

4 30 NEW PARAGRAPH. f. The person has registered any
4 31 game swine to be kept at the hunting preserve with the
4 32 department of agriculture and land stewardship as
4 33 provided in section 171.4.

4 34 Sec. _____. Section 484B.5, Code 2007, is amended to
4 35 read as follows:

4 36 484B.5 BOUNDARIES SIGNED == FENCED.

4 37 1. Upon receipt of a hunting preserve license, the
4 38 licensee shall promptly sign the licensed property
4 39 with signs prescribed by the department.

4 40 2. a. A licensee holding and releasing ungulates
4 41 shall construct and maintain boundary fences
4 42 prescribed by the department so as to enclose and
4 43 contain all released ungulates and exclude all
4 44 ungulates which are property of the state from
4 45 becoming a part of the hunting preserve enterprise.

4 46 b. A person who begins to keep game swine on or
4 47 after the effective date of this Act shall construct
4 48 and maintain a fence in compliance with this

4 49 paragraph. The fence shall be constructed of twelve
4 50 gauge woven wire at least five feet high and topped

5 1 with one strand of electrified wire. An additional
5 2 two feet of such fencing shall be buried and angled

5 3 underground toward the enclosed interior. However,
5 4 upon application, the department may waive this

5 5 requirement if the department determines that a fence
5 6 is to be designed and constructed which provides

5 7 equivalent or greater security from escape by game
5 8 swine.

5 9 Sec. _____. NEW SECTION. 484B.6A ESTRAY GAME
5 10 SWINE.

5 11 A person required to be licensed pursuant to
5 12 section 484B.4 shall not allow the game swine to
5 13 become estray.

5 14 Sec. _____. Section 484B.7, subsection 1, Code 2007,
5 15 is amended to read as follows:

5 16 1. Each hunting preserve licensee shall keep the
5 17 records and make the reports required on forms
5 18 prepared and provided by the department. All records
5 19 shall be open for inspection at any reasonable time by
5 20 the department or its authorized agents. The

5 21 department of agriculture and land stewardship may
5 22 inspect records relating to game swine in order to
5 23 ensure compliance with chapter 171.

5 24 Sec. _____. Section 484B.9, Code 2007, is amended to
5 25 read as follows:

5 26 484B.9 UNGULATE TRANSPORTATION TAGS == MARKINGS.

5 27 The department shall prepare transportation tags
5 28 suitable for use upon the carcass of ungulates
5 29 described in this chapter. The tags shall be used to
5 30 designate all ungulates taken by hunters upon a
5 31 licensed hunting preserve. The department shall
5 32 provide licensees with the tags. All ungulates taken
5 33 on a licensed hunting preserve shall be tagged with a
5 34 numbered tag prior to being removed from the hunting
5 35 preserve. The For game swine, the department shall
5 36 provide for tags in cooperation with the department of

5 37 agriculture and land stewardship as provided in
5 38 chapter 171. A hunter shall tag the ungulate taken in
5 39 accordance with the rules as determined by the
5 40 department. The tag shall remain attached to the
5 41 carcass of the dead ungulate until processed for
5 42 consumption. The hunter shall be provided with a bill
5 43 of sale by the licensee. The bill of sale shall
5 44 remain in the possession of the hunter. Ungulate tags
5 45 issued to a hunting preserve are not transferable.
5 46 Sec. _____. Section 484B.12, Code 2007, is amended
5 47 to read as follows:
5 48 484B.12 HEALTH REQUIREMENTS == UNGULATES.
5 49 All ungulates which are purchased, propagated,
5 50 confined, released, or sold by a licensed hunting
6 1 preserve shall be free of diseases considered
6 2 significant for wildlife, poultry, or livestock. The
6 3 department of agriculture and land stewardship shall
6 4 provide for the regulation of farm deer as provided in
6 5 chapter 170, and for the regulation of game swine as
6 6 provided in chapter 171.

6 7 Sec. _____. NEW SECTION. 484B.12A HEALTH AND
6 8 MOVEMENT REQUIREMENTS == GAME SWINE.
6 9 1. All game swine which are purchased, propagated,
6 10 confined, released, or sold by a hunting preserve
6 11 required to be licensed under this chapter shall be
6 12 free of diseases considered significant for wildlife,
6 13 poultry, or livestock. The department of agriculture
6 14 and land stewardship shall provide for the regulation
6 15 of game swine as any other swine for purposes of
6 16 preventing, suppressing, and eradicating an infectious
6 17 or contagious disease afflicting swine within the
6 18 state.

6 19 2. Game swine that are purchased, propagated,
6 20 confined, or sold by a hunting preserve shall only be
6 21 moved in accordance with rules adopted or orders
6 22 issued by the department of agriculture and land
6 23 stewardship.

6 24 Sec. _____. NEW SECTION. 484B.15 CIVIL PENALTIES.
6 25 A person who violates section 484B.6A is subject to
6 26 a civil penalty of one thousand dollars. Each day
6 27 that a violation continues shall be considered a
6 28 separate offense. All civil penalties shall be
6 29 deposited in the general fund of the state.

6 30 Sec. _____. NEW SECTION. 484B.16 RESTITUTION.
6 31 1. A person required to be licensed pursuant to
6 32 section 484B.4 and who keeps game swine shall pay
6 33 restitution to the department of natural resources for
6 34 damages to the environment and wildlife caused by the
6 35 game swine which become estray. The amount of the
6 36 restitution shall also include the department's
6 37 administrative costs for investigating the incident.

6 38 2. The department shall adopt rules providing for
6 39 procedures for investigations and the administrative
6 40 assessment of restitution amounts. The rules shall
6 41 establish an opportunity to appeal a departmental
6 42 action including by a contested case proceeding under
6 43 chapter 17A. A final administrative decision
6 44 assessing an amount of restitution may be enforced by
6 45 the attorney general at the request of the department.

6 46 3. Moneys collected by the department in
6 47 restitution shall be deposited into the state fish and
6 48 game protection fund. The moneys shall be used
6 49 exclusively to support restoration or improvement of
6 50 the environment and repopulation of wildlife.
7 1 However, moneys collected from restitution paid for
7 2 investigative costs shall be used as determined by the
7 3 department.

7 4 Sec. _____. IDENTIFICATION AND REGISTRATION ==
7 5 COMPLIANCE PERIOD. Notwithstanding sections 171.3 and
7 6 171.4, a person required to identify game swine and
7 7 register game swine shall have until September 1,
7 8 2007, to comply with those sections.

7 9 Sec. _____. EFFECTIVE DATE. This division of this
7 10 Act, being deemed of immediate importance, takes
7 11 effect upon enactment.>>

7 12 #2. By renumbering as necessary.

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7 16 WHITAKER of Van Buren

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